

**SUGGESTED FINDINGS FOR DENIAL**  
**TENTATIVE TRACT MAP NO. 18157 CONDITIONAL USE PERMIT NO. 17-042**

**SUGGESTED HEALTH AND SAFETY FINDINGS FOR DENIAL - TENTATIVE TRACT**  
**MAP NO. 18157 AND CONDITIONAL USE PERMIT NO. 17-042:**

The City Council finds and determines that the project will have a negative impact to health and safety for reasons more particularly described herein:

1. In light of the evidence in the record and the material information, findings, and opinions offered by the Traffic Expert Report (by Mark Miller dated January 27, 2020) and Fire Code/Life Safety Expert Report (by James McMullen dated February 10, 2020), the project would have a specific, adverse impact on public health and safety due to unsafe ingress/egress conditions caused by the project. Vehicular access is provided via a single driveway along Ellis Avenue. Due to the proximity of the project access driveway to the Beach and Ellis intersection, the project will require right turns only in and out of the project site. This would prohibit motorists from exiting the project site to turn left onto Ellis Avenue. Residents and visitors also cannot access the project site from eastbound Ellis Avenue without continuing past the project to make a u-turn at Patterson Lane to make a right turn into the project site. The Ellis/Patterson intersection is currently unsignalized. According to the project Traffic Impact Analysis, prepared by a licensed traffic engineering firm, (LLG dated April 16, 2019) the project will generate 222 additional u-turns at the Ellis/Patterson intersection. Based on accident data provided by the Transportation Division of the Huntington Beach Public Works Department, the Ellis/Patterson intersection has experienced an increase in traffic accidents within the last few years, while other intersections and street segments near the project site have had a decrease in accidents. The increase in approximately 222 u-turns at this intersection as a result of the project will exacerbate accident rates at this intersection causing an adverse public safety impact. The Traffic Expert Report also found that the types of collisions at Ellis/Patterson have changed from rear-end/hit object collisions to broadside collisions since the Elan project became operational. Furthermore, the LLG Traffic Impact Analysis discloses that motorists entering and exiting the site may experience significant delays during the PM peak hour due to westbound vehicular queuing along Ellis Avenue. Traffic delays on Ellis Avenue will contribute to motorists attempting to turn left to enter and exit the project site. The Traffic Impact Analysis recommends installation of a "STOP" sign and signage restricting outbound movements to right turns only in an effort to improve safe ingress and egress at the site. However, these measures are not adequate enough to improve safety and the study also recommends additional driveway treatments to further regulate the turn restrictions, such as the installation of raised pavement to physically prevent left turns out of the site. This suggests that is a reasonable assumption that motorists will lose patience and attempt left turns out of the site onto Ellis Avenue creating an unsafe condition, particularly during the PM peak hour when the intersection is blocked by westbound traffic on Ellis Avenue 90% of the usable time, as noted by the Traffic Expert Report. Additionally, motorists may attempt to avoid making a u-turn at the unsignalized Ellis/Patterson intersection resulting in additional delay due to vehicular queuing on westbound Ellis Avenue. These motorists entering the site from eastbound Ellis Avenue will attempt left turns from a through lane across traffic into the project driveway creating unsafe conditions on both eastbound and westbound sides of Ellis Avenue.

2. There is no feasible method to satisfactorily mitigate the adverse impact. The site cannot accommodate an alternative access point or an additional access point to mitigate the negative safety impacts caused by project generated traffic. The project site does not have access to another street or alley. The appellant proposed a raised “porkchop” design at the driveway entrance to prevent left turns out of the project site as recommended by the Traffic Impact Analysis. This could potentially address the adverse health and safety impact to an uncertain degree. However, this design does not meet Fire Department access standards and would result in the project failing to comply with all applicable code requirements. Huntington Beach Fire Department Specification No. 401 contains minimum standards for fire apparatus access and No. 403 has additional requirements for driveway width when there are multiple lanes of travel with an “island divider”, like the proposed driveway with the raised “porkchop” design. Each lane of travel must be a minimum of 14 ft. wide. Two lanes of travel require a minimum 28 ft. wide driveway, without counting additional width required for an “island divider”. The proposed project driveway is 24 ft. wide total. Since the proposed raised “porkchop” design would take up a portion of the driveway width, it will result in a driveway that is less than 24 ft. wide. Since the proposed driveway is only 24 ft. wide when there is a 28 ft. minimum width (excluding additional width required for the raised “porkchop”), there is no feasible mitigation available for the adverse health and safety condition resulting from the proposed “porkchop” driveway design. The raised “porkchop” design would impede Fire Department access to the site resulting in an additional adverse health and safety impact caused by the project. Therefore, insufficient access to the project site and project generated traffic will have a direct adverse impact to health and safety which cannot be mitigated.

### **SUGGESTED FINDINGS FOR DENIAL - TENTATIVE TRACT MAP NO. 18157:**

The City Council finds and determines that certain conditions (b), (c) and (d) listed in Government Code Section 66474 would result as a consequence of approval of Tentative Tract Map No. 18157, for reasons more particularly described herein:

1. Approval of the project would result in a design of the proposed subdivision that is not consistent with the General Plan and Beach and Edinger Corridors Specific Plan (BECSP) in that the project design fails to further a number of goals and policies contained within the General Plan and BECSP and would result in a significant health and safety impact as determined by the Traffic Expert Report (by Mark Miller dated January 27, 2020) and Fire Code/Life Safety Expert Report (by James McMullen dated February 10, 2020). More particular detail and analysis is contained below.
2. Approval of the project would result in a site that is not physically suitable for the type of development in that the site will not function as an integrated development compatible with the vision of the BECSP by merging three existing lots into a single long and narrow 0.95 acre parcel. The long and narrow parcel is not physically suitable for the proposed mass, bulk, and intensity of the proposed four story mixed use project and does not complement the scale and proportion of surrounding one and two-story developments. According to the material information contained within the Expert Reports, the project will result in significant health and safety impacts and will generate conflicts with vehicular circulation on Ellis Ave. and there will be no connectivity for bicyclists to continue onto Beach Blvd.

3. Approval of the project would result in a development that is not physically suitable for the proposed density of development in that the proposed project results in a density of approximately 50 dwelling units per acre while the adjacent residential property is built at an aggregate density of 13 dwelling units per acre.

The design and improvement of proposed Tentative Tract Map No. 18157 does not further the goals and policies of the General Plan or the BECSP as follows:

#### Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale and character to complement adjoining uses.

Goal LU-3: Neighborhoods and attractions are connected and accessible to all residents, employees, and visitors.

Policy LU-3A: Ensure that future development and reuse projects are consistent with the Land Use Map to provide connections between existing neighborhoods and city attractions.

Policy LU-3C: Ensure connections are well maintained and safe for users.

#### Circulation Element

Goal CIRC-1c: Through ongoing evaluation of jurisdiction, efficient transportation management provides the highest level of safety, service and resources.

Policy CIRC-1F: Require development projects to provide circulation improvements to achieve stated City goals and to mitigate to the maximum extent feasible traffic impacts to adjacent land uses and neighborhoods as well as vehicular conflicts related to the project.

Policy CIRC – 1G: Limit driveway access points, require driveways to be wide enough to accommodate traffic flow from and to arterial roadways, and establish mechanisms to consolidate driveways where feasible and necessary to minimize impacts to the smooth, efficient, and controlled flow of vehicles, bicycles, and pedestrians.

The proposed lot consolidation, subdivision, design and improvement is not consistent with the above goals and policies of the General Plan or the BECSP because the infill project is not compatible in density, intensity, proportion, scale, and character with the surrounding land uses and does not complement the adjoining uses in that the proposed four story mixed use development is significantly more intense than the adjacent one-story commercial and two-story multi-family residential developments. Additionally, the Expert Reports concluded that there are significant project related health and safety impacts and therefore, the development would not be consistent with Circulation Element policies.

The BECSP encourages buildings to orient towards streets and provide enhancements to the pedestrian and public experience. However, in the proposed project, approximately five percent of the building length is oriented towards Ellis Ave. while the remainder is oriented to the established residences to the east and commercial uses to the west. Further, the project architectural design and scale is not compatible with the vision of the BECSP. The adjacent properties will be impacted by the height and massing of the proposed project. The length and height of the proposed building is not compatible with the long, narrow characteristics of the 0.95 acre site because it is too bulky and too intense for the available land area. The project does not support the vibrant commercial corridor envisioned in the BECSP Five Points District because only one and a half percent (1.5%) of the total square footage of the project is allocated to commercial use.

The proposed project does not create continuity with new and existing development along the Beach Boulevard corridor because the project does not propose to augment or expand the existing bikeways. Furthermore, as noted in the Expert Reports, ingress and egress to the project site generates conflicts with the flow of traffic on Ellis Ave. There is no access or connectivity to the project site from Beach Blvd and insufficient vehicular access is provided via a single driveway along Ellis Avenue. Motorists exiting the project site will be unable to safely turn left onto Ellis Ave. from the driveway and motorists entering the project site from eastbound Ellis Ave. will be unable to turn left into the project site due to congestion and narrow roadway widths. Residents and visitors cannot directly access the project site from eastbound Ellis Ave. and must continue past the project to Patterson Ln. to make a u-turn on Ellis Ave., resulting in inefficient vehicular movements. Additionally, even though motorists will be required to exit the project via a right hand turn onto Ellis Ave., motorists who do not abide by this restriction may create vehicular hazards and conflicts due to frequent congestion and queuing on Ellis Ave.

#### **SUGGESTED FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 17-042:**

The City Council finds and determines that it is unable to make all of the required findings, contained in Section 241.10(A) of the HBZSO, for reasons more particularly described below:

1. Conditional Use Permit No. 17-042 for the development of a mixed-use building consisting of 48 condominium residences and 891 sf. of retail space will not comply with the provisions of the base district and other applicable provisions in Titles 20 through 25 and any specific condition required for the proposed use in the district in which it would be located in that the project does not further the vision of the Town Center Neighborhood Segment of the BECSP, which envisions a vibrant commercial corridor within the Five Points District of the BECSP. The proposed project is located within the Five Points District and does not further a vibrant commercial corridor because only one and a half percent (1.5%) of the total square footage of the project is allocated to commercial use, there is insufficient vehicular ingress and egress to the site, and the project proposes marginal public open space that does not contribute to the BECSP's vision of walkability and pedestrian connections between public and private property.